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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,245	09/18/2003	Masahiko Takenaka	14470.0009US01	6966
7590	06/02/2006		EXAMINER	
Hamre, Schumann, Mueller & Larson, P.C. P.O. Box 2902-0902 Minneapolis, MN 55402			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/665,245		TAKENAKA ET AL.	
	Examiner		Art Unit	
	Bridget Avery		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 4, 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano (US Patent 4,700,799) in view of Hahm (US Patent 6,394,214).

Kawano teaches a structure similar to applicant's including:

- A longitudinal V-type engine (4) mounted below a low floor (5d)
- A diamond-type body frame (7-9, 24-28, 42) including a head pipe (24)
- The engine (4) including a front cylinder (4a) and a rear cylinder (4b)
- The banking angle between the front cylinder (4a) and the rear cylinder (4b) is about 90 degrees
- The engine (4) is arranged with the bisector of the banking angle extending through the head pipe (24) of the body frame, as shown by the designated midpoint in Figure 1
- The front cylinder (4a) extends in front of a pair of right and left down frames (41)
- The rear cylinder (4b) is between the right and left upper frames (42)

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- A fuel tank (21)
 - An air intake system (note teaching of an air cleaner and an air cleaner case 19, as described in column 4, lines 66-68 and column 5, lines 1-3)
 - Means for lowering the engine (4) below the low floor (5d), as shown in Figure 3
 - The engine (4) adds strength to the body frame (7-9, 24-28, 42)
 - The air cleaner case (19) and container box (20) defining a center cover that at least covers the top of the V-type engine, as shown in Figure 1
 - The teaching of an air intake system is inherent because of the air cleaner
- Kawano lacks the teaching of low floors forming step floors for putting a rider's feet on.

Hahm teaches low floors forming step floors (40).

Based on the teachings of Hahm, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add step floors to the low floors of Kawano to enable the operator to ride with his or her legs in a relaxed, raised period during extended periods of travel.

2. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano ('799) and Hahm ('214), as applied to claim 1 above, and further in view of Shinozaki (US Patent 4,440,255).

The combination of Kawano and Hahm teach the features described above.

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The combination of Kawano and Hahm lack the teaching of an air intake system arranged between a front and a rear cylinder and a fuel tank arranged above the intake system.

- Shinozaki teaches a two-wheeled vehicle including an air intake system arranged in a fairing member; and a fuel tank arranged above the intake system

Based on the teachings of Shinozaki, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the combination of Kawano and Hahm to include an air intake system arranged in a fairing member to be between engine cylinder and move the fuel tank to be arranged above the intake system to effectively direct ram air to the engine.

3. Claims 1, 3, 4 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi (US Patent 4,706,774) in view of Hahm ('214).

Tsuboi teaches a structure similar to applicant's including:

- A longitudinal V-type engine (6)
- A diamond-type body frame (3, 4) including a head pipe (2)
- The engine (6) including a front cylinder (62) and a rear cylinder (63)
- The banking angle between the front cylinder (62) and the rear cylinder (63) is approximately 90 degrees
- The engine (6) is arranged with the bisector of the banking angle directed toward the head pipe (2)

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- The front cylinder (62) extends in front of a pair of right and left down frames (4)
- The rear cylinder (63) is between the right and left upper frames (3)
- The engine (6) adds strength to the frame (3, 4)
- A crankcase (61)
- The right and left down frames (4) are coupled at (41) to the front of the crankcase (61)
- Note, the engine is mounted upon oil pan (5a), which is positioned below the low floor steps (40)
- Also note, Figure 1 shows a “cover” between the gas tank and engine (E)

Tsuboi lacks the teaching of a low floor with step floors.

Hahm teaches a low floor with step floors (40).

Based on the teachings of Hahm, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a low floor to the structure of Tsuboi to effectively secure the strength and rigidity of the engine on the vehicle. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add steps to enable the operator to ride with his or her legs in a relaxed, raised period during extended periods of travel.

Response to Arguments

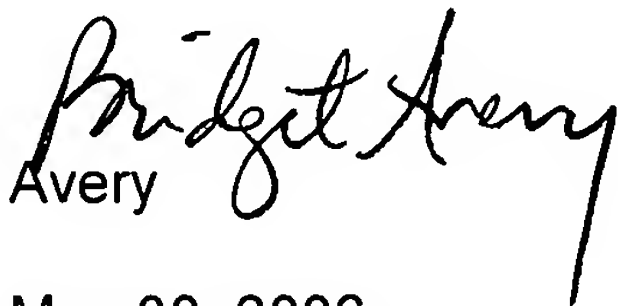
4. Applicant's arguments with respect to claims 1, 3, 4 and 6-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

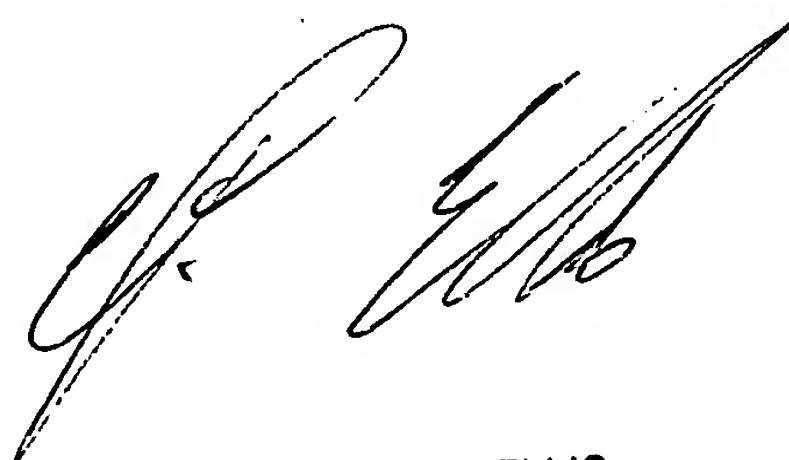
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

May 30, 2006



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
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